

## **§ 429.18**

### **§ 429.18 When do I have to pay the administrative costs?**

(a) Following the initial review, you will be notified in writing whether your application appears to be appropriate for further processing. At that time, Reclamation will give you an initial estimate of administrative costs required to continue processing your application.

(b) You must pay these initial, estimated administrative costs before Reclamation can continue to process your application, unless you are granted a waiver of administrative costs under subpart F of this part. If payment is not received within 90 days after the estimate is provided to you, Reclamation may close your file. If this occurs and you later wish to proceed, you must submit both a new application and another \$100 nonrefundable application fee.

### **§ 429.19 What happens if the initial estimate for administrative costs is insufficient?**

If the initial estimate to cover Reclamation's administrative costs is found to be insufficient, Reclamation will notify you in writing of the additional amount needed. You must pay the amount requested before Reclamation will continue processing your application.

### **§ 429.20 Can I get a detailed explanation of the administrative costs?**

Yes, you are entitled to receive an explanation of all administrative costs relevant to your specific application. You must request this information in writing from the Reclamation office where you submitted your application.

### **§ 429.21 If I overpay Reclamation's administrative costs, can I get a refund?**

If, in reviewing your application, Reclamation uses all the monies you have paid, you will not receive a refund regardless of whether you receive a use authorization. If the money collected from you exceeds administrative costs, a refund of the excess amount will be made to you consistent with Reclamation's financial policies.

## **43 CFR, Subtitle B, Ch. I (10–1–11 Edition)**

### **§ 429.22 Can Reclamation charge me additional administrative costs after I receive a use authorization?**

(a) After you receive your use authorization, Reclamation may charge you for additional administrative costs incurred for activities such as:

(1) Monitoring your authorized use over time to ensure compliance with the terms and conditions of your use authorization; and

(2) Periodic analysis of your long-term use to adjust your use fee to reflect current conditions.

(b) If your additional payment is not received by Reclamation within 90 days after notification to you in writing of the additional administrative costs, Reclamation may take action to terminate your use authorization.

## **Subpart E—Use Fees**

### **§ 429.23 How does Reclamation determine use fees?**

The use fee is based on a valuation or by competitive bidding. Use fees may be adjusted as deemed appropriate by Reclamation to reflect current conditions, as provided in the use authorization.

### **§ 429.24 When should I pay my use fee?**

(a) If Reclamation offers you a use authorization, you must pay the use fee in advance, unless you are granted a waiver under subpart F of this part.

(b) Your use authorization will clearly state the use fee. Should periodic payments apply, your use authorization will also describe when you should pay those periodic use fees.

### **§ 429.25 How long do I have to submit my payment for the use fee and accept the offered use authorization?**

You have 90 days to accept and return the use authorization and required fees, otherwise Reclamation may consider the offer to be rejected by you and your file may be closed. If this occurs and you later wish to proceed, you must submit a new application and another \$100 nonrefundable application fee. You may not commence your use of Reclamation's land, facilities, or waterbodies until Reclamation has issued a use authorization to you. A use authorization will

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only be issued upon receipt by Reclamation of all required costs and fees, and the use authorization signed by you.

cable Regional Director, the application fees may be waived, and charges for administrative costs or use fees may be waived or reduced as indicated by a ✓ in the following table:

### Subpart F—Reductions or Waivers of Application Fees, Administrative Costs, and Use Fees

#### § 429.26 When may Reclamation reduce or waive costs or fees?

(a) As determined appropriate and approved and documented by the appli-

Situations where costs and fees may be reduced or waived	Application fee	Administrative costs	Use fee
(1) The use is a courtesy to a foreign government or if comparable fees are set on a reciprocal basis with a foreign government .....	✓	✓	✓
(2) The use is so minor or short term that the cost of collecting fees is equal to or greater than the value of the use .....	✓	✓	✓
(3) The use will benefit the general public with no specific entity or group of beneficiaries readily identifiable .....	✓	✓	✓
(4) Applicant is a public entity or Indian tribe .....	✓	✓	✓
(5) Applicant is a non-profit or educational entity and the use provides a general public benefit .....	✓	✓	✓
(6) Applicant is a rural electric association or municipal utility or cooperative .....	✓	✓	✓
(7) The use directly supports United States' programs or projects .....	✓	✓	✓
(8) The use secures a reciprocal land use of equal or greater value to the United States .....	✓	✓	✓
(9) Applicant for a consent document is the underlying owner of the property subject to Reclamation's easement .....	✓	✓	( <sup>1</sup> )
(10) The use is issued under competitive bidding .....	✓	✓	( <sup>2</sup> )

<sup>1</sup> Not applicable.

<sup>2</sup> Set by Bid.

(b) When a statute, executive order, or court order authorizes the use and requires specific treatment of administrative cost recovery and collection of use fees associated with that use, that requirement will be followed by Reclamation.

ferred, and/or have the use fee adjusted; and

(d) Primary points of contact and other terms and conditions.

#### § 429.28 What terms and conditions apply to all use authorizations?

(a) By accepting a use authorization under this part, you agree to comply with and be bound by the following terms and conditions during all construction, operation, maintenance, use, and termination activities:

(1) The grantee agrees to indemnify the United States for, and hold the United States and all of its representatives harmless from, all damages resulting from suits, actions, or claims of any character brought on account of any injury to any person or property arising out of any act, omission, neglect, or misconduct in the manner or

### Subpart G—Terms and Conditions of Use Authorizations

#### § 429.27 What general information appears in use authorizations?

Each use authorization will contain:

(a) An adequate description of the land, facilities, or waterbodies where the use will occur;

(b) A description of the specific use being authorized together with applicable restrictions or conditions that must be adhered to;

(c) The conditions under which the use authorization may be renewed, terminated, amended, assigned or trans-